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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,345	03/09/2004	Sridhar Krishnamoorthy	END920030147US1 (17238)	1976
23389	7590	04/21/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			BROOKS, MATTHEW L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,345

Applicant(s)

KRISHNAMOORTHY, SRIDHAR

Examiner

Matthew L. Brooks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Examiner is uncertain of the meaning of the phrase, "T&M etc.", found in paragraph [0011] of the specification.

Appropriate correction is required.

Claim Objections

1. **Claims 2, 8, and 14** are objected to because of the following informalities:

Applicant states "...equipment service data elements comprise date elements...".

Examiner believes that the Applicant intended to state "data elements". However, for purposes of examination, both "data" and "date" elements were considered.

Appropriate correction is required.

2. **Claims 6, 12, and 18** are objected to because of the following informalities:

"...spares sales..." is ambiguous and Examiner wonders if the Applicant intended to place a comma between the two, because no special definition was found with in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 6, 12 and 18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Examiner cannot determine the scope that Applicant intends by using the term "knowledge management", and no definition there of can be found with in the specification. Appropriate action is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-18** are rejected under 35 U.S.C. 102(b) as being disclosed by Non-Patent Literature: Web-site www.shopcollins.com as seen on the "Way back Machine" with an archive date of February 2, 2003; a print out of which is herein attached and shall be referred to as "**Collins**".

7. With respect to **Claim 1**: Collins discloses

providing equipment service data, (See Page 1, footnote (fn) 1, 2, 5, 6, 7)

creating a database containing a plurality of equipment service data elements; (See Page 1, fn 1, 2, 5, 6, 7). Inherently, Collins must have a database in order for a "user" to "obtain catalog data for Rockwell" or "Obtain pricing information for Service Parts, Training, and Technical Publications" (see fn 5).

providing an access point for a user to access the database; Inherently, Collins provided an access point, because it was on the world wide web (See Pages 1-3)

verifying that the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10); and

providing access to the database over a secure network if the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10).

8. With respect to **Claim 2**: Collins discloses

wherein the plurality of equipment service data elements comprise "date/data" elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts receivable, and accounts payable. (See Pages 1 and 3, fn's 1-10) Collins shows that users can "Obtain order and shipping status for any orders placed..." therefore inherently it must keep a customer history.

9. With respect to **Claim 3**: Collins discloses

wherein the user comprises at least one of: a customer, a potential customer, and a franchisee (See Page 1).

10. With respect to **Claim 4**: Collins discloses

wherein the access point is an Internet web site (See Pages 1-3, which was retrieved from the web).

11. With respect to **Claim 5**: Collins discloses

wherein the database is created by a manufacturer of a product, and wherein the user is a service provider authorized by the manufacturer to service the product (See Pages 1-3, which are a print out of a web page created by the manufacturer of a product). Examiner also points to **Page 1, fn 8**; wherein Rockwell Collins explicitly authorizes a service provider to service the products and inherently the service provider must be a user.

12. With respect to **Claim 6**: Collins discloses

wherein the service data elements relate to at least one of: selling maintenance contracts, call management, franchisee management, spares sales, warranty management, and knowledge management (See Page 1, fn's 5-8). Examiner considers service parts to be spares and knowledge management to be anything dealing with knowledge of said customer.

13. With respect to **Claims 7 and 13**: Collins discloses

providing equipment service data, (See Page 1, footnote (fn) 1, 2, 5, 6, 7)
creating a database containing a plurality of equipment service data elements;
(See Page 1, fn 1, 2, 5, 6, 7). Inherently, Collins must have a database in order for a "user" to "obtain catalog data for Rockwell" or "Obtain pricing information for Service Parts, Training, and Technical Publications" (see fn 5).

providing an access point for a user to access the database; Inherently, Collins provided an access point, because it was on the world wide web (See Pages 1-3)

verifying that the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10); and

providing access to the database over a secure network if the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10).

14. With respect to **Claims 8 and 14**: Collins discloses

wherein the plurality of equipment service data elements comprise "date/data" elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts

receivable, and accounts payable. (See Pages 1 and 3, fn's 1-10) Collins shows that users can "Obtain order and shipping status for any orders placed..." therefore inherently it must keep a customer history. However, Applicant should note that this is non-functional descriptive data and the terminology used in Applicant's claim is not afforded much weight.

15. With respect to **Claims 9 and 15**: Collins discloses

wherein the user comprises at least one of: a customer, a potential customer, and a franchisee (See Page 1). Applicant should note that although Collins does disclose that the user is at least a customer or potential customer, it is irrelevant because the terms are simply a matter of terminology.

16. With respect to **Claims 10 and 16**: Collins discloses

wherein the access point is an Internet web site (See Pages 1-3, which was retrieved from the web).

17. With respect to **Claims 11 and 17**: Collins discloses

wherein the database is created by a manufacturer of a product, and wherein the user is a service provider authorized by the manufacturer to service the product (See Pages 1-3, which are a print out of a web page created by the manufacturer of a product). Examiner also points to **Page 1, fn 8**; wherein Rockwell Collins explicitly authorizes a service provider to service the products and inherently the service provider must be a user. Applicant should note that although Collins does disclose that the user is a service provider, it is irrelevant because the terms are simply a matter of terminology.

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18. With respect to Claims **12 and 18** Collins discloses

wherein the service data elements relate to at least one of: selling maintenance contracts, call management, franchisee management, spares sales, warranty management, and knowledge management (See Page 1, fn's 5-8). Examiner considers service parts to be spares and knowledge management to be anything dealing with knowledge of said customer. However, Applicant should note that this is just data and the terms given to the data is simply non-functional descriptive matter.

Conclusion

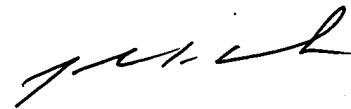
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (703) 605-1202. The new number as of 4/15/2005 will be **(571)272-8112**. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-605-1202. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB



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